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DOC #:
DATE FILED: 11-5-07

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

— against —

JOSE OCTAVIO ESPARAZA-LOPEZ,

Defendant.

07 Cr. 446 (VM)

ORDER

VICTOR MARRERO, United States District Judge.

The Government (see attached letter) requests that the next conference for defendant be rescheduled from November 2, 2007 to November 16, 2007, at 9:45 a.m.

All parties to this action consent to an exclusion of the adjourned time from the Speedy Trial Act until November 16, 2007.

It is hereby ordered that the adjourned time shall be excluded from speedy trial calculations. This exclusion is designed to guarantee effectiveness of counsel and prevent any possible miscarriage of justice. The value of this exclusion outweighs the best interests of the defendants and the public to a speedy trial. This order of exclusion of time is made pursuant to 18 U.S.C. §§ 3161(h)(8)(B)(ii) & (iv).

SO ORDERED:

Dated: New York, New York
5 November 2007


Victor Marrero
U.S.D.J.



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

November 5, 2007

BY FACSIMILE

Honorable Victor Marrero
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: United States v. Jose Octavio Esparza-Lopez
SI 07 Cr. 446 (VM)

Dear Judge Marrero:

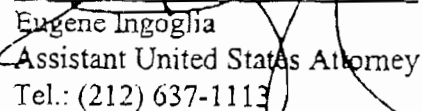
The Government respectfully submits this letter, after speaking with Your Honor's clerk, to request jointly with the defense an adjournment of the pre-trial conference scheduled for November 2, 2007, to the morning of November 16, 2007.

The Government requests, with the consent of defense counsel, that the time between now and November 16, 2007, be excluded from the speedy trial calendar based on a finding that the ends of justice served by the continuance outweigh the best interest of the public and the defendant in a speedy trial under 18 U.S.C. § 3161(h)(8)(A). The parties will use the time to prepare and review discovery, and to continue discussions of a possible pre-trial disposition of the matter.

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney
Southern District of New York

By:


Eugene Ingoglia
Assistant United States Attorney
Tel.: (212) 637-1113

cc: Kelley Sharkey, Esq.